

A VICTORY FOR LABOUR!

The Case of Jock Haston,
Roy Tearse, Heaton Lee
and Ann Keen

Under The Trades Disputes Act of 1927.

*"Let them try me. If I get before any
judge who is fair-minded the verdict will
be NOT GUILTY."*

—JAMES MAXTON, M.P., Leeds, April 9th, 1944.

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PUBLISHED BY THE ANTI-LABOUR LAWS VICTIMS
DEFENCE COMMITTEE
3, REGENTS PARK ROAD - - LONDON, N.3

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The Appeal Has Been Won !!

By JOHN McNAIR

While this pamphlet was being printed the news came through that the Appeal on behalf of the imprisoned workers had been won. The official text is as follows:—

“THE COURT OF CRIMINAL APPEAL, LONDON, ALLOWED THE APPEALS OF TEARSE, HEATON LEE AND HASTON AGAINST THEIR CONVICTION AT NEWCASTLE ASSIZES ON CHARGES OF FURTHERING THE TYNESIDE APPRENTICES’ STRIKE AGAINST THE BEVIN PIT BALLOT SCHEME. Tearse and Lee had been sentenced to 12 months’ imprisonment and Haston to six months. THE CONVICTIONS WERE QUASHED.”

What does this mean? It means that this Committee has fought the unjust and oppressive powers of the Government and has won. It means that every worker who may fight for his fellows in any future industrial conflict has been safeguarded. It means, finally, that a battle has been won in the long struggle towards the final emancipation of the workers of Britain.

The pamphlet is now more than ever necessary. It gives all the facts of the case. It should be in the hands of every Trade Unionist who wishes to be guided in his future activities and who is not prepared to submit to the injustices of the Trades Disputes Act nor Regulation 1.A(a). Read it yourself and pass it round to your comrades in the shop, the mine, the railway—wherever you happen to be.

Having won the fight we now have to face up to the necessary costs involved. We have looked after the dependents of the lads. We have paid all legal expenses in connection with witnesses and Counsel at the Magistrates’ Bench, at the Trial and at the Appeal. We still need about £500 to cover all expenses and we appeal to our fellow-workers to help us. See back page. Remember that we have received absolutely no financial help from any other sources than T.U. Branches, Co-op. Guilds and individual workers. This campaign has been financed by you. Let us round it off properly so that we may go forward to further efforts on behalf of our class.

Anti-Working Class Legislation

By V. S. SASTRY

"I declare this to be a 'frame-up.' I would like to say that the conspiracy would appear to come from the top. This trial is a case of political victimisation."—Jock Haston at the first hearing at the Newcastle Bench.

The Trade Disputes Act of 1927, notorious anti-Labour legislation, has been used for the first time in 1944 to jail four militant workers.

On 18th June, 1944, Jock Haston, Roy Tearse, Heaton Lee and Ann Keen were sentenced to terms of imprisonment varying from 12 months to 13 days under this reactionary Act.

This fact is of tremendous historic importance to the struggle of the Labour and Trade Union Movement in defence of the rights of the working class not only from the point of view that this is the first prosecution under this Act, but in view of the implications and repercussions for the future struggles of the British workers.

To-day it is Bros. Haston, Tearse, Lee and Keen—to-morrow it can be any militant trade unionist or shop steward—any trade union secretary or branch official who can be hauled up before the courts and jailed whenever the vindictiveness of the ruling class leads them to behead and crush the movement of the workers to resist attacks upon their rights.

That it is so is shown by the intimate relationship which the staging of this trial had with the introduction of Regulation 1.A(a). Using the age-old red herring of "incitement" and "outside agitators" to explain away strikes provoked by the employing class, Mr. Ernest Bevin, instead of taking action against those responsible for the crisis, took action against the workers. He introduced new regulations which are calculated to tie the hands of the workers and strengthen those of the employers not only during the war but in the post-war period. With the prospect of Allied victory we find the Tories, assisted by the Labour Ministers in the Government, introducing yet further anti-Labour legislation instead of relaxing the existing laws.

THE BACKGROUND OF THE CASE

On March 28th, 1944, thousands of apprentices on Tyneside went on strike. Immediately they were followed by strikes of apprentices on Clydeside and in Huddersfield. The Tyne apprentices had given three weeks' strike notice in a letter to Ernest Bevin, Minister of Labour, in which they demanded the deferment of an apprentice conscripted into the mines under the Bevin Ballot Scheme, as well as the exemption from the Scheme of all apprentices.

Simultaneously with this, the miners in Yorkshire were on strike. This had been preceded by the great South Wales miners' strike involving one hundred thousand miners. The crisis in the coal industry had reached an acute stage and the miners felt betrayed by the Porter Award.

The industrial unrest between November, 1943, and April, 1944, was the most acute in the country since the General Strike of 1926. The Government had to take some action to hold the workers in check. In this they were ably assisted by the Labour Ministers and the press.

After the outbreak of the apprentices' strike a specially prepared press campaign was inaugurated to create an atmosphere of panic. This was intended to create a favourable background for the introduction of the new and drastic Regulation 1.A(a). Some of the headlines in the press at this period will give an indication of the scare campaign:

"HIDDEN HAND BEHIND THE STRIKE" (*Daily Sketch*).

"TROTSKYISTS URGED THE STRIKE OF APPRENTICES"
(*Northern Echo*).

"BOYS' STRIKE SUPPORTER IS CLASS WAR LEADER"
(*Daily Sketch*).

"HIDDEN HAND AGITATORS MARKED" (*Evening Standard*).

The climax of this campaign was reached with Bevin's notorious speech at the Park Lane Dorchester Hotel, where he hurled defiance at the workers and for the first time indicated that **strong measures** were to follow.

That this was a deliberately and carefully-prepared campaign by the Government and the press agencies became obvious. The game was given away by Garvin in the "Sunday Express," where he said:

"The Government had to resolve on immediate and drastic action, but, first they had to awaken public opinion, because this method had to be such as to carry with them the responsible bulk of the Trade Union movement. The duty of arousing public opinion by a full exposure was left to Mr. Bevin, and he discharged it with a vengeance."

Speaking in the House of Commons in the debate on Regulation 1.A(a) Bevin said:

"At one moment everything is peaceful; then suddenly, in the most mysterious way, these activities come—and the people who make the bullets, do not fire them. We find activities going on in workshops first from one source, then from another. That is why we have set out to deal with this instigation business."

Professional Red-baiters, like the *Daily Mail*, had a team of six special investigators combing the country seeking "evidence" of sinister conspiracies of strike instigation!

On April 6th, Scotland Yard swooped on the headquarters of the Revolutionary Communist Party. On the same day, centres in Nottingham, Glasgow and Newcastle were searched and thousands of documents were taken away. Two days later Heaton Lee and Ann Keen were arrested in Newcastle. They were brought before the magistrate the following day and in order to give a sinister air to the proceedings, **they were charged in camera**. On the 10th Roy Tearse was arrested in Glasgow and brought to Newcastle. All three were remanded for three weeks without bail. Not until 26th April was Jock Haston arrested, although no further evidence was found against him than when the first arrests took place.

Both before and after the arrests the press kept up the campaign of calumny and panic. Speaking in retrospect of this whole campaign, Aneurin Bevan said in the House of Commons:

"At the moment they were in prison before they had been tried, the newspapers were permitted, without any action being taken against them at all, to commit contempt of court to an extent which had never before been seen in Great Britain. They piled up public hatred, they vented indignation and they slandered and abused these people at the very moment when they were committed for trial."

On April 17th the new Order in Council, the notorious anti-Labour Regulation 1A(a) was promulgated.

The Trial

The case against the four opened at the Newcastle Assizes on May 12th. Altogether the indictment contained 11 charges. Mr. Paley Scott, K.C., opening the case for the prosecution, said that the four were not charged for a political offence, but proceeded to describe their political opinions and the positions they held in the Revolutionary Communist Party.

The chief witness for the prosecution was Bill Davy, the Secretary of the Tyne Apprentices' Guild. In his evidence he described the development of the Guild and his association with the four accused. He maintained that the opinions expressed in all the documents produced as evidence against the accused were his own, and he took complete responsibility for them. The Guild was formed for the specific purpose of opposing the Bevin Pit Ballot Scheme and, from its very inception, was determined upon taking strike action if its demand for exemption for all apprentices from the Ballot Scheme was not met.

Eight other apprentices called by the prosecution corroborated these statements. All agreed that there would have been a strike if the accused had never appeared on the scene; all agreed that the policy for nationalisation of the mines and their operation under workers' control contained in the leaflets expressed the majority decisions of the Guild. The decision to take strike action had been arrived at without any of the accused being present.

The prosecution had described the apprentices as "hot-headed young men" who were led by the nose by these sinister people. But their evidence in the witness stand was proof of their determination to oppose the Ballot Scheme by all the means at their disposal. It was clear that they had taken every possible step to bring their grievances before the Minister of Labour; they had issued leaflets; they had gone on a deputation to London to bring the facts of their case before Members of Parliament. They had attempted to interview Mr. Bevin, who, from his Ministerial heights, had refused to negotiate with them. They had given three weeks' notice of strike in a letter addressed to him, for which they had not received acknowledgment.

For the defence the four accused went into the witness-box, and two other witnesses were called—Ernest Bevin, Minister of Labour, and Thomas Trewartha, Chairman of the Barrow Strike Committee.

Bevin was called to show that the apprentices had attempted to negotiate with him. He admitted that he had seen the letter but he had not seen fit to reply to it. He knew that the threatened strike would be an illegal strike. But he had not seen fit to warn the lads that this was the case. No attempt had been made to contact them, but he claimed he had informed the appropriate departments and official trade unions about the matter.

Trewartha was called to debunk the continual innuendoes that Roy Tearse had incited the Barrow strike. The prosecution had a statement from Bro. Trewartha disproving such allegations, but had deliberately kept it out of the court. Trewartha explained that any assistance rendered by Roy Tearse and the Militant Workers' Federation to the Barrow strike had been upon the request and agreement of the Strike Committee.

The four accused each took the witness stand. They established that their rôle in the apprentices' struggle was to clarify the political issues and gain support for their party. They agreed that they had assisted the lads in drawing up their propaganda leaflets calling for the nationalisation of the mines and their operation under the control of the workers as the only solution to the coal crisis. They had advised the boys on questions of organisation and the functions of various committees in a struggle learned from the experience of working class history. Roy Tearse had offered the help of the Militant Workers' Federation in any decision they took.

The conviction of Haston was a clear proof of political victimisation. The only evidence against him was that he had met Bill Davy twice and assisted in drawing up the propaganda leaflets. He had offered some organisational suggestions for the Guild, but none of these referred to a strike. His second meeting with Davy was in London, where apprentices from all over the country were present, and he had advised them on how to lobby Members of Parliament. All these events took place long before the strike broke out and before the decision to resort to strike action had been arrived at. Yet, on this, he was convicted of "furthering an illegal strike" and was sentenced to six months' imprisonment.

The case against Roy Tearse was based upon correspondence between himself and Heaton Lee and Davy. The emphasis of the prosecution was laid upon the fact that he had advised the apprentices to form six committees for conducting a struggle, namely, Picket, Flying Squad, Finance, Social, Hardship and Propaganda. He had addressed three meetings of the apprentices, two in Newcastle and one in Sunderland where he had explained the functions of these committees. He had no contact either directly or indirectly with the Tyne apprentices when the strike broke out or during it. But he was sentenced to 12 months' imprisonment on a charge of "furthering" the strike.

The main evidence against Heaton Lee was that he had assisted in drawing up the letter giving strike notice sent to Ernest Bevin. He had addressed a meeting of the apprentices at Sunderland. After the strike broke out he had issued a special supplement of the "Socialist Appeal," putting the case of the lads and calling for support. There were also letters from him to Roy Tearse brought by the prosecution. He was found guilty of "furthering" the strike and convicted and sentenced to 12 months' imprisonment.

Ann Keen was also found guilty and sentenced to 13 days, after having been tried in camera and kept in prison without bail for five weeks.

Her crime was that she had helped the apprentices in typing and duplicating their letters and propaganda material.

Judge Cassels, in summing up, made a better case for the prosecution than prosecuting counsel. So clear was Davy's evidence against the case for the prosecution—though he was their chief witness—that he warned the jury against acceptance of his evidence and maintained that the appropriate place for Davy in the court was in the dock and not in the witness stand.

In spite of Judge Cassels' summing up, the Jury returned a verdict of not guilty on nine out of the eleven charges. **All the four were found not guilty on the main charges of "conspiracy" and "incitement."** A verdict of guilty was returned on charges of "aiding and abetting Davy" and "furthering" an illegal strike.

The Failure of the Prosecution

The whole meaning of the press campaign and the motives of the Government and Bevin were intended to show a sinister plot on the part of the accused to "incite" and "agitate" poor guileless apprentices to go out on strike who did not know what they were doing. The trial from this point of view was a dismal failure. Despite all the attempts of the prosecution, who did everything in their power to push this aspect forward, the Jury, even though composed entirely of middle class business men with not a single worker trade unionist upon it, found them not guilty on all the charges relating to conspiracy and incitement. So weak was the case of the Government!

Nevertheless, it is important to remember that it was on precisely this worthless basis that ostensibly Regulation 1A(a) was introduced. But despite the fact this was really the whole basis of the case, the victims were not released. They were found guilty on charges of "aiding" and "furthering" a strike declared illegal under the Trade Disputes Act. And here is where the importance of the case for trade unionists and all interested in the liberties of the working-class, comes in.

IMPLICATIONS OF THE VERDICT

Judge Cassels held that the Tyne Apprentices' strike was designed to coerce the Government to withdraw the Pit Ballot Scheme. Following this precedent, **any strike during war has the intention of coercing the Government**, since the Government through the Essential Work Order controls all major industries. A strike against dilution, for example, becomes illegal. A decision of a National Arbitration Board is legally binding on the workers; if the workers resort to a strike to change the award, then it becomes an illegal strike. The same argument applies with even greater force to transfers and the decisions of National Service Officers.

Dealing with the interpretation of the word "furtherance," Judge Cassels said:

"It is not necessary that the act in furtherance of an illegal strike should be during the actual time of the strike. It may be an act which could reasonably be regarded upon the evidence, as an act in preparation for the strike and that strike is an illegal one."

The Newcastle decision gives a twist to the term "furtherance" in such a way that makes not only strike action illegal, but **propaganda preceding strike action also becomes illegal**. In a test case in the House of Lords in 1909, the word "furtherance" was defined to mean any acts committed **after** the actual outbreak of the strike. But Judge Cassels reversed this decision in the Newcastle trial. According to his judgment **"it is not necessary that the act**

in furtherance of an illegal strike should be during the actual time of the strike. It may be an act which could reasonably be regarded upon evidence as an act in preparation for the strike." This was used with savage effect in Newcastle, particularly in the case of Jock Haston, who had no contact whatever with the apprentices during the strike or even discussed strike action with them, but only aided them with propaganda in advocating their case. This "evidence" was construed as sufficient to convict him of "furthering" an illegal strike.

The implications of this are far-reaching. Suppose a Committee of Shop Stewards decides to issue propaganda leaflets to explain the grievances of the workers; a week after a strike breaks out in the factory. The Shop Stewards can be charged and convicted of "furthering" a strike. This applies with equal force to resolutions and public meetings.

The interpretation of the word as applied in Newcastle is applicable also to Regulation 1A(a). In Regulation 1A(a) almost the identical words are used to those in the Trade Disputes Act, except that in the former "furtherance" of a strike is punishable with five years' penal servitude and/or £500 fine. If this decision stands any activity whatsoever in the factories and shop committees can be interpreted as acting in "furtherance" of a strike, and if a strike breaks out, makes them liable for imprisonment and fine.

The conviction of "aiding" and "abetting" in furthering an illegal strike again sets a dangerous precedent. What constitutes "aiding and abetting"? Helping to draw up propaganda leaflets? Giving necessary organisational advice? Resolutions of solidarity and support? It was argued that if no help had been received from the four, the strike would have fizzled out. Cannot the same arguments be extended in future struggles to financial aid and solidarity from Trade Union Branches?

This question of aiding and abetting is carried a stage further in Regulation 1A(a). Anybody from outside the industry can be sentenced to five years' penal servitude for aiding and abetting a strike declared illegal. This would mean Co-operatives, which offered food on credit, trade unionists who send donations, or working-class political parties—Labour, I.L.P., Anarchist, Communist Party or Revolutionary Communist Party will not make any difference—all who publicise the grievances of the workers will be aiding and abetting. Another Judge will argue that without the help of the Co-ops., donations and publicity, a given strike could never have materialised. And the sentence will be anything up to five years and not two years.

The legal implications of this historic Labour case have been sufficiently demonstrated. It was not merely four members of the Revolutionary Communist Party who were on trial. The

entire British working-class was in the dock. Their conviction was a vindictive piece of class justice aimed at the whole of the working-class. In this case it was the workers who had sustained a defeat.

Quietly but surely, the ruling class has prepared a legal noose with which to strangle the workers. Once having succeeded in rail-roading these militants to jail, the ruling-class is giving as little publicity as possible to the case. It has served a purpose. It has established a precedent which can be used against the Trade Unions and the Labour Movement whenever it suits the occasion.

The leaders of the Trade Union Movement have observed a silence throughout the trial and after. They, above all, should have rallied to the defence from the very start. They should have implemented by deeds what they have professed for years. Are they or are they not opposed to the infamous Trade Disputes Act? If so, why did they not defend workers prosecuted under this Act? If so, did they lend their support to Bevin in instituting the prosecutions and for the introduction of 1A(a)? These questions must be raised in every factory, in every Trade Union branch, Trades Council and Co-op. Guild.

When the Trade Disputes Act was placed on the Statute Book, the T.U.C. issued a covenant to be read in all the Branches of the Trade Union movement throughout the country, expressing the determination of the Labour movement to fight to the bitter end this reactionary piece of legislation designed to cripple the Trade Union movement. The covenant reads:

"We, Trade Unionists and members of the working-class, custodians of the heritage of Freedom and Right of association and of organisation won by our forefathers, the pioneers of Trade Unionism, thousands of whom underwent transportation, imprisonment, victimisation and punishments of all kinds to win that freedom, here and now pledge ourselves to safeguard that heritage no matter what the consequences to ourselves, with all our strength and to the utmost limit of our power.

"Realising the gravity of the attack now being made on Trade Unionism by the Tory Government, we take upon ourselves the obligation never to cease from striving to keep our Trade Unions intact, and to strengthen them so as to guarantee to them the fullest freedom of action: so handing on to those who come after us a powerful and invincible movement to defend their rights and maintain their liberties."

Of this Act, which he now uses against working-class militants, Ernest Bevin said in a speech at Falmouth on May 21st, 1927:

"All I can say is, let there be a strike and let any one of us be arrested. Sir Douglas Hogg will soon discover what the attitude of the Trade Unions is. . . . That this Bill was particu-

larly designed to put into servitude the transport workers more than any other class. . . To carry out the Bill this Union would have to split into 180 different parts. . . It was not merely Trade Unionism that was at stake—it was democracy.”

And Sir Walter Citrine at the same period said:

“The Conservative Government have launched a dangerous attack on the legal rights of Trade Unions. The Trade Disputes Act and the Trade Union Bill aim at effectively crippling the workers’ organisations and at depriving them of some of their chief defensive powers.”

It is up to the rank and file of the Trade Union movement to force these leaders to take their stand on the basis of the Trade Union Covenant, and to fight the Trade Disputes Act instead of using it against the working-class.

The arousing of the Labour Movement to the issues involved in this trial was of vital importance. What was involved was not merely the unjust imprisonment of our militants but the rights of Labour laboriously struggled for during the last century. That is why this Committee, in complete accord with Jock Haston, Roy Tearse and Heaton Lee, then in prison, decided to take this case to the Court of Appeal and, if necessary, to the House of Lords. It was of the utmost importance to mobilise working-class opinion against this conspiracy of the ruling class to take away the rights of Labour. The campaign conducted resulted in the winning of the appeal and a more powerful campaign could result in the repeal of the reactionary legislation which led to the trial.

The Anti-Labour Laws Defence Committee was established as the conscience of the Labour Movement since the official Trade Union and Labour leadership was wilfully blind to the implications of this trial. The lower ranks of the Trade Union Movement have already stirred in alarm at Regulation 1A(a). By understanding the real meaning of this case they will be prepared for the struggles to come. The help, both financial and in mobilising public opinion, which we have received has allowed us to take this case to the Appeal Court and win it. Let us remember that no single worker, or even single organisation, could have fought such an issue as this. The costs were far beyond their means. By uniting our efforts we can go forward in the struggle and be ready to meet the offensive of the ruling class which is even now being prepared against us.

Roy Tearse, Heaton Lee and Jock Haston have served terms of imprisonment in Durham jail. In convicting them the capitalists issued a challenge to the workers. This challenge has been met and defeated by the workers. Let us continue our action.

STAND FIRM TO MEET FURTHER ATTACKS.

DEMAND THE REPEAL OF REACTIONARY LEGISLATION.

Why the Appeal was Won

It is not necessary here to give the full legal judgment. Suffice to say that the appeal succeeded on the main ground that no act in furtherance of a strike could be committed until a strike was actually in existence. To those of us who are not lawyers this seems common-sense. The Judge at the trial thought otherwise. His judgment has been quashed by the Court of Criminal Appeal and the prisoners are now at liberty.

THUS HAS BEEN WON A GREAT VICTORY FOR LABOUR.

Anti-Labour Laws Victims' Defence Committee

Trade Unionists, Shop Stewards and militant workers. You have read the pamphlet. You have grasped the significance of the trial. We cannot fight such persecution and defend the legal rights of the workers without your financial and moral support. We depend upon your support to carry on the work. Send a donation, however small it may be. The appeal has been won. Let us now face up to the costs involved.

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